

Patent Application
Docket No. USF-T144X
Serial No. 10/049,502

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Maria Marvich
Art Unit : 1636
Applicant : Said M. Sebti
Serial No. : 10/049,502
Filed : February 13, 2002
For : RhoB as a Suppressor of Cancer Cell Growth and Cell Transformation

MS AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF SAID M. SEBTI, PH.D., UNDER 37 C.F.R. § 1.132

Sir:

I, Said M. Sebti, Ph.D., hereby declare:

THAT, I am the Associate Director of Pre-Clinical Investigations and Program Leader of the Drug Discovery Program at the H. Lee Moffitt Cancer Center and Research Institute, and a tenured professor within the Departments of Oncology, Biochemistry and Molecular Biology, and Pharmacology and Therapeutics at the University of South Florida School of Medicine, and a copy of my current *curriculum vitae*, is attached hereto as Exhibit A;

THAT, I am the above-named inventor of the subject matter described and claimed in patent application Serial No. 10/049,502 (hereinafter the '502 application);

THAT, I am a co-author on the following publication: Zhi Chen, Jiazhi Sun, Anne Pradines, Gilles Favres, Jalila Adnane, and Said M. Sebti, (April 2000) "Both Farnesylated and Geranylgeranylated RhoB Inhibit Malignant Transformation and Suppress Human Tumor Growth in Nude Mide," *The Journal of Biological Chemistry*, Vol. 275, No. 24, pp. 17974-17978;

THAT, I have read and understood the '502 application and the Office Action dated August 11, 2004;

AND, being thus duly qualified, do further declare as follows:

1. The claims in the '502 application have been rejected under 35 U.S.C. §102(a) in the Office Action dated August 11, 2004 on the ground that the claimed invention is anticipated by the above-identified Chen *et al.* publication. The inventorship of the claimed invention and the authorship of the Chen *et al.* publication differ in that although Zhi Chen, Jiazhi Sun, Anne Pradines, Gilles Favres, and Jalila Adnane are co-authors of the Chen *et al.* publication, they are not named as inventors on the subject application.

2. As the Examiner may be aware, it is not uncommon for persons other than those involved in the conception of an invention to be listed as co-authors on a scientific publication resulting from the research related to the invention. These are the circumstances surrounding the subject matter claimed in the '502 application.

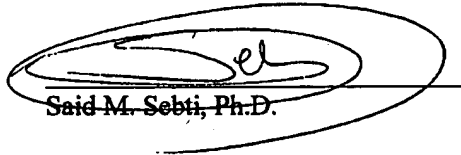
3. I solely conceived of the claimed invention and am, therefore, the sole inventor on the '502 application. The idea of determining whether RhoB could inhibit tumor growth, suppress oncogenic signaling, and induce apoptosis was mine, and I supervised and coordinated the project as a whole. In the course of my research concerning the role of RhoB as a potent suppressor of transformation and tumor growth, I have been assisted in various ways by others. Zhi Chen was a graduate student working in my laboratory. Ms. Chen's contribution to the project was to prepare the Panc-1 cells that stably expressed RhoB and RhoB mutants, to run P-Akt and P-Erk Western immunoblots, and to run the apoptosis assay, soft agar assay, and proliferation assay at my request. Dr. Jiazhi Sun was a postdoctoral fellow working in my laboratory. Dr. Sun's contribution to the project was to run the antitumor studies at my request. Dr. Jalila Adnane was a research assistant professor in my laboratory. Dr. Adnane's contribution to the project was to run the focus formation assay at my request. Ms. Chen, Dr. Sun, and Dr. Adnane periodically reported experimental results to me and I supervised and coordinated their efforts. Gilles Favre and Anne Pradine are collaborators who

4. Therefore, Zhi Chen, Jiazhi Sun, Anne Pradines, Gilles Favres, and Jalila Adnane were included as co-authors of the above-referenced Chen *et al.* publication. However, they did not contribute to the conception of the subject matter claimed in the '502 application. Accordingly, despite their helpful research assistance, they were not included as co-inventors on the subject application.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or of any patent issuing thereon.

Further declarant sayeth naught.

Signed:



Said M. Sebt, Ph.D.

Date:

Dec 13, 2004